

Attorneys At Law  
5111 Memorial Hwy  
Tampa, FL 33634-7356  
Phone: (813) 886-6085  
Fax: (813) 886-6720

**PENDORF & CUTLIFF**

# Fax

**To:** Ms. Felicia Allen  
United States Patent  
and Trademark Office

**From:** Yaté K. Cutliff  
Pendorf & Cutliff

---

**Fax:** 1-571-273-0986

**Date:** July 8, 2005

---

**Phone:** 571-272-0986

**Pages:** 2 including cover

---

**•Comments:**

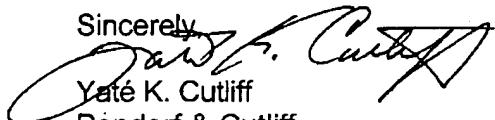
RE: U.S. Patent Application 10/085,390  
Inventors: Rothe, Michael  
Title: **PROCESS AND APPARATUS FOR THE DETERMINATION  
OF PARAMETERS OF A BREATH CONDENSATE "**

Dear Ms. Allen:

Attached is Page 2, the signature page of the Response.

If you should have any questions, please feel free to call me. Thank you for all of your assistance.

Sincerely,



Yaté K. Cutliff

Pendorf & Cutliff

5111 Memorial Highway  
Tampa, FL 33634-7356

Telephone: 813-886-6085  
Facsimile: 813-886-6720  
Cutliff@Patentcentral.com

U.S. Application No.: 10/085,390

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Attorney Docket: 3648.034

The position of the Examiner can be found on pages 2-3 of the Office Action.

In response, Applicant elects Group I, Claims 1-11, with traverse.

Traversal is for the following reasons:

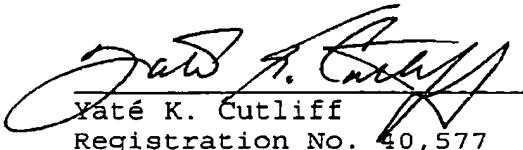
In issuing a Restriction Requirement, the Examiner must satisfy two criteria for a proper restriction of the claims of the application. First, he must show that the application claims independent or distinct inventions, as required by both § 121 and the USPTO rules. Second, the Examiner must show that examining all claims inventions in a single application would constitute a serious burden on the USPTO.

In the instant case, the Examiner fails to show that examining all claims inventions in a single application would constitute a serious burden.

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Accordingly, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

  
Yaté K. Cutliff  
Registration No. 40,577

PENDORF & CUTLIFF  
5111 Memorial Highway  
Tampa, Florida 33634-7356